

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv474-RJC-DSC**

CHRISTOPHER BROWNSTEAD,

Plaintiff,

v.

**JUDGE CHRISTY T. MANN and
IRENE P. KING,**

Defendants.

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ORDER

THIS MATTER is before the Court on the defendant Irene P. King’s motion to dismiss (Doc. No. 5) and brief in support of the motion (Doc. No. 6), and the Magistrate Judge’s Memorandum and Recommendation (“M&R”) (Doc. No. 8). The pro se plaintiff has not responded to King’s motion to dismiss, nor has the plaintiff objected to the M&R. The matter is now ripe for review.

I. BACKGROUND

Neither party has objected to the Magistrate Judge’s statement of the factual and procedural background of this case, and the Court thus adopts the facts as set forth in the M&R.

II. STANDARD OF REVIEW

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir.

2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Similarly, de novo review is not required by the statute "when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the Magistrate Judge's M&R.

III. DISCUSSION

Federal Rule of Civil Procedure 72(b) allows a party fourteen days to file specific written objections to a Magistrate Judge's proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). The M&R was mailed to the plaintiff, along with the notice of electronic filing instructing that objections to the M&R were due by April 12, 2010. No objections have been filed as of the date of this Order.

After a careful review of the record in this case, the Court finds that the Magistrate Judge's recommendations consistent with and supported by law. Thus, the Court hereby adopts the M&R of the Magistrate Judge as the final decision of this Court for all purposes in this case.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that defendant King's motion to dismiss (Doc. No. 5) is **GRANTED** and the complaint is **DISMISSED WITH PREJUDICE** as to defendant King.

SO ORDERED.

Signed: April 18, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

